

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 19, 2005
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Lisa Hazen, Church of the Brethren, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the April 12, 2005 meeting were approved 7 to 0.

Proclamations

PROCLAMATIONS.

The following proclamations were presented:

Administrative Professionals Week-Marianne Eyles.
Arbor Day-Tim Martz and group.
Compeer Friendship Week-Cornelia Cager
Gabi and Tjaden Day-Gabi Benoit and Tjaden Fisher
Worker's Memorial Day-Mark Love
Earth Day-Libby Albers and group

Boeing Wichita

Resolution recognizing Boeing Wichita, Mike Germann and group.

Mayor Mayans read the resolution aloud recognizing the efforts made by Boeing Wichita in support of Earth Day and expresses the heartfelt thanks to the community for a great corporate neighbor.

Math/Counts Group

Recognition of Independent School Math/Counts Group-Naga Kota and group.

Mayor Mayans recognized each member for their skills and presented each of them with a certificate.

International Students

Recognition of International Students.

Mayor Mayans recognized each international student and presented each of them with a certificate and a City of Wichita lapel pin.

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PUBLIC AGENDA

Promise Youth

WICHITA'S PROMISE YOUTH-ACTION 2003 RESULTS – DANA SASKA AND STEVEN JAMES.

Steven James

Steven James stated that he is a senior at Maize High School and is on the executive committee of Wichita's Promise Youth Council and introduced Dane Saska, who is a junior at South East High School and is President of the Wichita's Promise Youth Council. Stated that the last time they were here was in October, which they presented their results of their action 2003 survey. Stated that they surveyed 850 youths from Sedgwick County and the top five concerns are: teen sex and pregnancy, violence, rape, drugs and alcohol. Stated that they are here today to update the Council on their initiatives and what they have been doing over the past year to help with these issues and further their vision. To help with the Wichita's Promise Youth Council vision, 15 of their members went through training on the Youth on Board Philosophy, which encourages young people to become involved in adult boards and gives tips to make the cooperation successful. Stated that with these 15 youths they hope to spread this philosophy to other adult boards and organizations to get the youth's opinion heard in the Wichita community and it has been a great help with Visioneering Wichita. Stated that they have been with Visioneering Wichita since the beginning with the community meetings and Wichita's Promise Youth Council is the first visioneering partner for Visioneering Wichita and have agreed to take on some of their strategies. To help with the issues facing teens, they do a yearly event called Junior Jump Start, which they held last fall and it combats alcohol, tobacco and other drugs and the primary function was leadership, training and youth empowerment. Stated on March 11th Wichita's Promise Youth Council teamed up with TASK to present a star rally in Wichita. It featured the acclaimed speaker Dave Gorowitz, who is a tobacco spokesman turned advocate against tobacco use. Stated that the day also included a panel of local experts and youth on how to prevent tobacco use and to get involved. Stated that over 50 middle school and high school students attended this event

Dane Saska

Reported that some of the ways that they have been working has been with a lot of collaboration with local non-profit groups. They are currently working with the sexual assault center because they have such a service to offer to teenagers but is not usually taken up by young people so they are taking their blue ribbon campaign and working with the "Take back the night" program, which will be at the end of April. Stated that they will try to get some youth involvement there and that another major project they are working on has been with the Street Outreach Services Safe Place Program. This program works to reach youth in crisis situations, mainly runaways. Stated that they had supply drives at area high schools and worked to raise food supplies and hygiene supplies for their newest drop house for runaway youth. Stated that between drives at Maize High School and Northwest High School, Southeast and Heights, they were able to raise over 2,600 items. Stated that one of their newest initiatives this year that they are really excited about is called Hands On Wichita. Stated that they saw the need in the community to show the young people that they actually care about them and to improve the learning environment at elementary schools. They are creating the first year of Hands On Wichita and have worked with community volunteers, funding, private businesses and worked to secure funding for this project so that they can work in six local elementary schools during one all day service event and bring the community behind it to provide these work projects at no cost to the schools. This Saturday they have a great day planned and will be working at Hyde, Horace-Mann, Bosick, Beech, White and Lewis Elementary Schools. Stated that they already have volunteers and are really excited about it and had an article in the Wichita Eagle about it and invite the Council Members to stop by and encourage the volunteers because the Council Members have shown that they are the leaders of this community and encourage them to be involved in this. Stated that he is on the District II Advisory Board and is excited to keep working with the Council in the coming years.

Mayor Mayans

Mayor Mayans stated that he is proud of both Steven and Dane and the leadership that they provide to the youth in Wichita.

Sarah Kephart

SARAH KEPHART, WSU ART STUDENT-"WHAT'S IN YOUR GUTTER?"

Sarah Kephart was not present.

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CONSENT AGENDA

Motion--carried Mayans moved that the Consent Agenda be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 18, 2005.

Bids were opened April 15, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005 Contract Maintenance Hot In-Place Repaving - east of Ridge, south of 30th St. N. (472-84154/132718/620426/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,IV,V,VI)

Cutler Repaving Company, Inc.-- \$585,834.02 (Negotiated within Engineer's Estimate)

2005 Contract Maintenance Asphalt Mill & Overlay, Overlay, Strip & Overlay - north of Pawnee, east of Seneca. (472-84161/132718/620426/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,II,VI)

Cornejo & Sons Construction -- \$500,696.35 (Engineer's Estimate)

Lateral 1, Main 6 Northwest Interceptor Sewer to serve Evergreen and New Market Additions - north of 21st Street North, west of Maize. (468-83969/744110/480798) Does not affect existing traffic. (District V)

Nowak Construction -- \$88,042.05

Water Distribution System to serve Evergreen and New Market Additions - north of 21st Street North, west of Maize. (448-90058/735242/470913) Does not affect existing traffic. (District V)

Nowak Construction - \$63,183.96

Water Distribution System to serve Shoal Creek 3rd Addition - south of Central, west of 143rd Street East. (448-89998/735246/470917) Does not affect existing traffic. (District II)

WBW Contractors -- \$15,806.00

Lateral 10, Main 2 Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (468-83758/744105/480793) Does not affect existing traffic; AND Lateral 11, Main 2 Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (468-83948/744106/480794) Does not affect existing traffic. (District V)

Utility Contractors -- \$108,422.00 (Lateral 10, Main 2)
 \$ 5,803.00* (Lateral 11, Main 2)
 \$114,225.00 (Aggregate bid total)

*Negotiated to Engineer's Estimate

Sanitary Sewer Relocation at Kellogg and Webb Road, Phase 1 - along Kellogg, west of Webb Road. (468-83152/624084/654564) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger & Sons - \$308,220.00

Motion-- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest
--carried and best bid within the Engineer's construction estimate, and the and the necessary signatures be
authorized. Motion carried 7 to 0.

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PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

VARIOUS DEPARTMENTS/DIVISIONS: Elevator Maintenance.

Kone Inc. -\$101,268.00* (Group 1/base bid)
\$ 148.00 (Group 1/option 1)
\$ 195.00 (Group 1/option 2)
\$ 225.00 (Group 1/option 3)
\$ 270.00 (Group 1/option 4)
\$ 395.00 (Group 1/option 5)
\$ 395.00 (Group 1/option 6)

*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENTS/FLEET MAINTENANCE DIVISION: Riding Front Deck Mowers.

Conrady Western Inc. - \$145,924.71 (Group 1/total net bid)
\$ 338.07 (Group 1/option 1)
\$ 429.75 (Group 1/option 3)
<-\$ 2,000.00 > (Group 1/option 4/deduct)
<-\$ 18,000.00> (Group 1/option 5/deduct)

PARKS AND RECREATION DEPARTMENT/PARK MAINTENANCE DIVISION: Compact Utility Loader & Trailer.

Turf Professionals Equipment Company - \$29,468.00 (Group 1/base bid)
\$ 525.00 (Group 1/option 1)
\$ 1,435.00 (Group 1/option 2)
\$ 4,335.00 (Group 2/total net bid)

POLICE/TRAINING FIREARMS SECTION: .40 Caliber Manufactured Ammunition.

Oklahoma Police Supply - \$34,500.00* (Group 1 total net bid)
*Estimate – Contract approved on unit cost basis.

LICENSES

APPLICATION FOR LICENSES:

Renewal Adult Entertainment

Lewis E. Self Jr.	Adult Entertainment Industries, Inc.	3721 South Broadway
Lewis E. Self Jr.	Adult Entertainment Industries, Inc.	2809 North Broadway
Lewis E. Self Jr.	Adult Entertainment Industries, Inc.	7805 Kellogg
Gail R. Crump	GS Entertainment dba Adult Super Store	5858 South Broadway

Renewal Escort Services

Tekoa Callaway A	Private Escape	333 East English
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Motion--carried

Mayans moved that licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Ricky D. Morey Jose L. Mejia	Morey's Deli Keno* El Jalico Restaurant*	3316 South Broadway 627 east 47th Street
<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Michelle Thuydanh Mdarif Rahman	Lien Giang Asian Food Market Gulmohur Corporation 1	6310 East Harry 161 North Broadway
<u>Special Event</u>	<u>May 14, 2005</u>	
John E. Thien	Jet Bar-B-Q	Wichita River Festival 1100 East Third- Rounds & Porter

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--carried Mayans moved that the Staff review and approval be approved. Motion carried 7 to 0.

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Bike Path along the Little Arkansas River with rest stations from 13th Street to 21st Street. (472-83812/87TE-0195-01/706876/203342) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$698,170.90
- b) 2005 Contract Maintenance Arterial Concrete Repairs - north of Pawnee, west of Hillside. (472-84152/132718/620426/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, VI) - \$149,440.00
- c) 2005 Contract Maintenance Asphalt Street Repairs and Quickset Slurry Seal, Phase 2 - (north of MacArthur, west of Webb Road. (472-84153/132718/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III, IV) - \$609,614.00

Motion--carried Mayans moved to that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

DEEDS/ESMNTS.

DEEDS AND EASEMENTS:

- a) Utility Easement dated March 8th, 2005 from USD 259 Board of Education, located over a portion Lots 3 and 4, College Hill Addition to Wichita, Sedgwick County, Kansas (OCA #607861) No cost to City
- b) Drainage Easement dated March 15, 2005 by Integrated Healthcare Systems, Inc. located over portions of Lot 1, Block 1, Wichita Clinic Addition, an addition to Wichita, Sedgwick County, Kansas (OCA #607861) No Cost to City
- c) Sanitary Sewer Easement dated March 29, 2005 from Michael C. Grothe and Neal N. Strong located over a portion of Lot 1, Davis-Moore Addition in Sedgwick County, Kansas (OCA# 624078) No Cost to City
- d) Sanitary Sewer Easement dated April 5, 2005 from Dutton, Inc. located over a portion of Southwest Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744103) No Cost to City

Motion--carried Mayans moved that the documents be accepted. Motion carried 7 to 0.

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PETITION

PETITION FOR PUBLIC IMPROVEMENTS: STREET PAVING AND A SANITARY SEWER IN SAND PLUM ADDITION, SOUTH OF 45TH STREET NORTH, WEST OF WEBB. (DISTRICT II)

Agenda Report No. 05-0339

On May 18, 2004 and November 23, 2004, the City Council approved Petitions for street paving and a sanitary sewer in Sand Plum Addition. Since that time, the developer has divided a number of lots to reflect current home marketing conditions. The developer has submitted new Petitions to reallocate special assessments to accommodate the change in building site boundaries. The signature on the petitions represents 100% of the improvement districts.

The projects will serve a new residential development located south of 45th St. North, west of Webb.

The existing Petitions total \$412,774. The new Petitions total \$461,000. The funding source is special assessments, except for the sewer project, which includes \$15,000 paid by the Sanitary Sewer Utility for pipeline outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-201

Resolution of findings of advisability and Resolution authorizing construction of Lateral 108, Sanitary Sewer #23, (south of 45th Street North, west of Webb) 468-83822, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-202

Resolution of findings of advisability and Resolution authorizing improving 43rd Street Circle North, west of Webb Road (south of 45th Street North, west of Webb) 472-84027, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

BOARD MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners, January 10, 2005
District IV Advisory Board, February 2, 2005
District V Advisory Board, February 7, 2005
Board of Code Standards and Appeals, February 7, 2005
Board of Electrical Appeals, February 8, 2005
Police and Fire Retirement System, February 23, 2005
Wichita Employees Retirement System, February 23, 2005
District II Advisory Board, March 7, 2005
Wichita Public Library, March 15, 2005

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

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STREET CLOSURE

CONSIDERATION OF STREET CLOSURES: MERIDIAN AT FIRST STREET. (DISTRICT VI)

Agenda Report No. 05-0340

Wildcat Construction Company, Inc. has contracted to install a large storm drainage system in west Wichita. Work began at the Arkansas River near the intersection of Athenian and McLean proceeded south on Athenian to First St., and is now nearing the intersection of First St. and Meridian as work moves west toward West St. The installation of the concrete box structure across Meridian will require a large excavation area and it will not be possible to safely or efficiently maintain traffic on Meridian while the drainage structure is being installed. Additionally, a 36" water main will be installed at this intersection at the same time as the storm drain work is being accomplished. The contractor is requesting a three-week closure of the intersection of Meridian and First to minimize traffic and related construction safety concerns. The requested street closure is tentatively scheduled to begin approximately 9:00 a.m. Tuesday, April 26, 2005 and be completed on or before 6:30 a.m. Tuesday, May 17, 2005. The contractor further requests that if the weather forecast at that time is not conducive to being able to accomplish the necessary work, they be allowed to request a delay in the start date.

Wildcat Construction Company, Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the street closure, traffic on Meridian will be detoured as follows:

Southbound Meridian traffic will be detoured east from Meridian on Second St. to Seneca, south to Douglas, and then west to Meridian.

Northbound Meridian traffic will be detoured east from Meridian on Douglas, north to Second St., and then west to Meridian.

Motion--carried

Mayans moved that the street closure be approved. Motion carried 7 to 0.

AGREEMENTS/CONTRACTS:

WATERLINE

WATERLINE ALONG 135TH STREET WEST, 21ST STREET TO 29TH STREET. (DISTRICT V) – SUPPLEMENTAL.

Agenda Report No. 05-0341

On May 5, 2004, the City entered into an Agreement with TranSystems Corporation for designing a water line along 135th Street West from 21st to 29th for a design fee of \$9,400.

TranSystems has been asked by the Water Department to design a 21" main sanitary sewer along 135th from 21st North to approximately 1,300 feet north of 21st Street in conjunction with the water project. The proposed Supplemental Agreement provides for the additional design services.

Payment to TranSystems will be on a lump sum basis of \$18,000, and will be paid by Revenue Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

INTERCHANGE

KELLOGG & ROCK ROAD INTERCHANGE. (DISTRICT II) – SUPPLEMENT

Agenda Report No. 05-0342

On June 10, 1997, the City entered into an Agreement with CF&S to begin preliminary design for East Kellogg, from Edgemoor to 127th Street East. On May 8, 2001, the City entered into an agreement

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with CF&S to prepare construction plans for the Kellogg and Rock Road Interchange, which include all construction from west of Armour to near the Kansas Turnpike.

On April 2, 2002, the City Council adopted Ordinance 45-294, which authorizes construction and provides funding for the project.

The project design is nearing completion, and substantial amounts of right-of-way have been acquired. Originally, the Kellogg and Rock Road project was designed to be constructed as one large contract. Because of the time required to purchase and clear the right-of-way at various locations, the project has been divided into several smaller projects, which utilizes the right-of-way that has been acquired.

The agreement, dated June 10, 1997, with CF&S, provides that CF&S when authorized by Supplemental Agreement, will perform construction inspection and administration services. On January 11, 2000, Supplemental Agreement No. 1 was approved for CF&S to prepare final plans, specifications and estimates for the section of Kellogg from Sylvan Lane to 0.5 miles east of Woodlawn, known as the Woodlawn Interchange. On May 14, 2000, CF&S was given the Notice to Proceed with final plan preparation of the Kellogg & Rock Road Interchange in accordance with Supplemental Agreement No. 2. On September 17, 2002, Supplemental Agreement No. 3 was approved for CF&S to provide construction inspection and administration for the section the Woodlawn Interchange. On December 2, 2003, the City approved Supplemental Agreement No. 4 for construction inspection and administration of box culverts at Armour Road and Gypsum Creek, the Rock Road Pump Station, the northeast frontage road, and the Armour Road intersection of north of Kellogg. The proposed Supplemental Agreement No. 5 will provide construction and administration

for all remaining work east to the Kansas Turnpike Authority (K.T.A.) and Kellogg and Rock Road Interchange.

Payment to CF&S will be on a cost plus fixed fee in amount not to exceed \$2,528,284.88. The total project cost for the Kellogg & Rock Road Interchange is estimated at \$105 million. The State of Kansas will contribute \$35,690,000 to assist with project construction. The balance of the funding will be provided by the City through the issuance of General Obligation Sales Tax Bonds with debt service payable from the annual proceeds of the local sales tax.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SAWMILL CREEK

CONSTRUCTION ENGINEERING AND STAKING IN SAWMILL CREEK ADDITION, EAST OF ROCK ROAD, NORTH OF 45TH STREET NORTH. (DISTRICT II)

Agenda Report No. 05-0343

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in Sawmill Creek Addition on November 16, 2004. On February 15, 2005 the City approved Agreements with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreements with R&B requires R&B to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreements between the City and R&B provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to R&B will be on a lump sum basis of \$66,100, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

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AVALON PARK

CONSTRUCTION ENGINEERING AND STAKING IN AVALON PARK SECOND ADDITION, NORTH OF 37TH STREET NORTH, EAST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0344

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in Avalon Park 2nd Addition on December 16, 2003. On November 2, 2004 the City approved Agreements with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreements with PEC requires PEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreements between the City and PEC provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to PEC will be on a lump sum basis of \$81,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

DESIGN SERVICES AGREEMENTS:

WOODLAND LAKES

WOODLAND LAKES ESTATES THIRD ADDITION, SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0345

The City Council approved the water distribution system, sanitary sewer, storm water drainage and paving improvements in Woodland Lakes Estates 3rd Addition on March 18, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, P.A. (MKEC) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer, storm water drainage and paving in Woodland Lakes Estates 3rd Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$63,300, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

AUBURN HILLS

AUBURN HILLS 15TH ADDITION, WEST OF 135TH STREET WEST, NORTH OF KELLOGG. (DISTRICT V)

Agenda Report No. 05-0346

The City Council approved the water distribution system and paving improvements in Auburn Hills 15th Addition on March 1, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system and paving in Auburn Hills 15th Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$19,300, and will be paid by special assessments.

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Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WATERFRONT ADD. THE WATERFRONT ADDITION, NORTH OF 13TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 05-0347

The City Council approved the water distribution system, sanitary sewer and storm water drainage improvements in The Waterfront Addition on March 22, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, P.A. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and storm water drainage in The Waterfront Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$29,050, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CHANGE ORDER CHANGE ORDER: FIRST AND SECOND STREET DRAINAGE OUTFALL FROM WEST STREET TO THE ARKANSAS RIVER. (DISTRICTS IV AND VI)

Agenda Report No. 05-0348

On September 28, 2004 the City Council approved a construction contract for a storm water drain from West Street, along First and Second Streets, then north at Athenian to the Arkansas River at McLean. Athenian is a narrow concrete street with a median. The amount of pavement restoration needed at Athenian, due to the poor pavement condition, exceeds the amount expected at the time the project was designed. In addition, the median will be narrowed which will allow on-street parking and wider traffic lanes.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$115,000 with the total paid by the Drainage Utility. The original contract is \$5,365,623. This Change Order plus previous Change Orders represents 2.18% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQUISITIONS:

MCADAMS SOUTHEAST CORNER OF 11TH STREET AND INDIANA FOR THE MCADAMS NEIGHBORHOOD REVITALIZATION PROJECT. (DISTRICT I)

Agenda Report No. 05-0349

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The McAdams revitalization and beautification project calls for the development of a pocket park and playground at the southeast corner of 11th & Indiana. The plans for the park require the acquisition of two parcels. The subject parcel is owned by Mr. Ronald Walters. The corner site contains 6,228 square feet and is currently vacant.

The parcel was valued at \$4,000 based on similar properties in the immediate vicinity. This amount was offered to the owner and the owner has agreed to sell it for \$4,000. The site is currently open space and will become the north half of the proposed park.

A budget of \$4,500 is requested. This includes \$4,000 for the acquisition and \$500 for closing costs and title insurance. The revitalization plan includes \$100,000 for the acquisition and development of the park. The funding source is the CDBG funds.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

1133 N. MAIN

PARTIAL ACQUISITION OF 1133 NORTH MAIN AS A PORTION OF THE ABANDONED UNION PACIFIC RAIL CORRIDOR FOR THE MIDTOWN GREENWAY. (DISTRICT VI)

Agenda Report No. 05-0350

In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Ave. and Wichita St. to 15th St. and Broadway. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The city has reviewed the former corridor and decided that it could be utilized to develop a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th St. from the adjacent owners.

Due to their size and configuration, the tracts being acquired are not developable by themselves. The majority of the tracts abut developed properties but lie outside the fenced, defined boundaries of the properties. The purchase price of similar tracts was reviewed to estimate market value. These amounts were offered to the adjacent property owners with several accepting the offers. The owner at 1133 N. Main has agreed to sell to the city his portion of the Union Pacific Railroad tract consisting of 6,371 square feet at \$2,500.

A budget of \$2,650 is requested for the acquisition. This includes \$2,500 for the acquisition and \$150 for closing costs. The funding source is previously approved CDBG funds.

Motion--
--carried

Mayans moved that the budget be approved; the real estate purchase contract approved and the necessary signatures authorized. Motion carried 7 to 0.

EMERG. SHELTER

GRANT APPLICATION FOR KANSAS EMERGENCY SHELTER GRANT FUNDS.

Agenda Report No. 05-0351

The State of Kansas receives Emergency Shelter Grant (ESG) funds under the McKinney-Vento Homeless Assistance Act. These funds are awarded to local government agencies throughout the state on behalf of homeless service providers. Awards are based on statewide competition. In the past, the City of Wichita has applied for and received emergency shelter grants from the Kansas state program on behalf of local providers, in addition to the City's ESG direct allocation from HUD.

The Kansas Housing Resources Corporation (KHRC) has issued a statewide "Application for a 2005 Kansas Emergency Shelter Grant (KESGP)". The total amount available is \$878,724. Eight homeless service providers in Wichita have submitted requests to the City for the 2005 KESGP application, as

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detailed below. These projects will be evaluated by the KHRC for funding awards, against projects submitted by other local government agencies in the state.

The City of Wichita grant application includes funds for the following agencies and activities:

1. Catholic Charities Anthony Family Shelter - \$11,040 is requested for case management services.
2. Catholic Charities Harbor House - \$6,000 is requested for shelter supplies and maintenance.
3. Center of Hope - \$8,000 is requested for homeless prevention (assistance with rent and utilities).
4. Inter-Faith Inn - \$29,700 is requested for shelter operations and case management services.
5. Salvation Army Emergency Lodge - \$25,000 is requested for shelter supplies and utilities.
6. Ti'Wiconi Safe Haven - \$14,450 is requested for shelter operations and case management services.
7. UMUM Drop-In Center - \$10,500 to purchase equipment, one part time position and shelter supplies.
8. YWCA - \$5,500 is requested for shelter operations and maintenance.
9. City of Wichita - The City is allowed up to 2.5% for administration of the grant. The amount received for administration will be determined by the amount awarded to the City.

The total amount of the request is \$110,190. Each of the requesting agencies has committed to providing the required matching funds or volunteer hours. A total of \$878,724 is available for the State of Kansas ESG program in 2005.

Motion--
--carried

Mayans moved that the application for grant funds be approved; necessary signatures for the application and necessary signatures for contracts if funding is awarded be authorized. Motion carried 7 to 0.

TAX CREDIT PROG. KANSAS COMMUNITY SERVICE TAX CREDIT PROGRAM APPLICATIONS.

Agenda Report No. 05-0352

Each year, since 1994, the Kansas Community Service Program (CSP) has offered non-profit organizations a way to improve their ability to undertake major capital fund-raising drives for various projects. A total of \$4.1 million of tax credits has been allocated and will be awarded this year to eligible non-profit organizations to offer Kansas tax credits for contributions made to approved projects. Under this program, projects eligible for tax credit awards include community service, crime prevention, and health care. Eligible contributors (usually private for profit companies) receive a tax credit equal to 50% of the amount donated to non-profits. Typically, the tax credit proceeds are used for capital projects, either new facilities or expansion of existing facilities that are one-time in nature. Applications for the State tax credits for non-profits are competitive. The Kansas Community Service Program is administered by the Kansas Department of Commerce.

Boys and Girls Club of South Central Kansas, Inc., Inter-Faith Development Corporation, POWER Community Development Corporation and H.O.P.E., Inc., have each submitted a request for Local Government Endorsement of their State tax credit applications. If approved by the State, the contributor is eligible to receive 50% credit of the cash contribution towards their State income taxes for contributions made to the community service organization during a one-year period from the date of application approval.

The applications presented by Boys and Girls Club of South Central Kansas, Inc., Inter-Faith Development Corporation, POWER Community Development Corporation and H.O.P.E., Inc., have been reviewed by the Housing and Community Services and Planning Departments, and are consistent with the City's goals and objectives and the Consolidated Plan. They have also been reviewed for compliance with local codes and zoning requirements.

The proposed applications do not conflict with any local plans, zoning or land use requirements. The endorsement does not obligate the City to fund, supervise or in any way associate itself with the applicant. A Local Government Endorsement is recommended by the Kansas Department of Commerce. If the City does not approve the Local Government Endorsement, the applicant will lose points in the competitive application process.

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The City is not obligated to provide any financing for the projects and approval of the Local Government Endorsement does not obligate the City to fund any project or provide real property for a project.

Motion--
--carried

Mayans moved that the applications be supported and the Mayor authorized to sign the Local Government Endorsement Forms. Motion carried 7 to 0.

SE WATER TRANS. SOUTHEAST WATER TRANSMISSION FACILITY. (DISTRICTS I, II, III AND IV)

Agenda Report No. 05-0353

Potential water pressure problems were identified in the 2004 Water Master Plan Update in portions of the southeast Wichita water distribution system and future growth areas in southeast Sedgwick County. The future growth areas were identified by the Metropolitan Area Planning Department (MAPD).

On April 8, 2003, City Council approved a Water Master Plan Update and Burns & McDonnell were selected as consultant engineers. In the process of updating the water distribution water model and analyzing the water distribution system, which includes the latest growth predictions by MAPD, Burns & McDonnell recommended a new water distribution booster pump station facility. Their recommendation is to locate the booster pump south of Harry between Woodlawn and Rock Road. The new booster pump station facility was approved by City Council on April 5, 2005.

The pump station will initially tie into the existing 20-inch main; however, by the year 2008, a much larger water supply will be required. The Southeast Transmission Facility will be comprised of 48-inch, 42-inch and 36-inch water pipelines. This first phase, Route Study and Design of Interstate I-35 crossing, will determine the optimal route for the transmission facility. The critical design and construction portion for the entire project is the design of the 48-inch crossing under I-35.

Capital Improvement Program (CIP W-1194), Maple and Exposition to SEBPS, is included in the 2005 recommended CIP. The budget for the project is \$12.8 million: \$2.0 million is budgeted in 2005, \$6.4 million in 2006, and \$4.4 million in 2007. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--
--carried

Mayans moved that the expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-203

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operate by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$12,8 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

EXCEL CORP. PURCHASE OPTION, EXCEL CORPORATION. (DISTRICTS VI)

Agenda Report 05-0354

On October 20, 1992, City Council approved issuance of \$3.9 million in Industrial Revenue Bonds for Excel Corporation a Delaware Corporation. The Bonds were issued to finance acquisition of an office building located at 151 N. Main. Excel Corporation has decided to exercise its purchase option on the IRB-financed property.

Under the provisions of Sections 16.1 and 16.2 of the Lease Agreement for Series VIII, 1992 Bonds, Excel Corporation, the Tenant, has the option if all outstanding bonds and Trustee Fees have been paid

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to purchase the facility from the City of Wichita for the sum of \$100. The City of Wichita, on January 10, 2005, received notice from the Trustee that all bonds were paid, and Excel Corporation's desire to take reconveyance. The City will deliver the instruments needed to deed the bond-financed property back to Excel Corporation and terminate the IRB Lease.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement including all payments necessary to redeem and retire all outstanding bonds. This price includes without limitations, the payment of all outstanding principal, interest, and all other expenses of redemption, and trustee fees, after the deduction of any amounts provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution, Special Warranty Deed, Termination of Lease Agreement, with possible corrections in the legal description).

Motion--

Mayans moved that the Resolution approving the Special Warranty Deed and Termination of Lease Agreement be adopted and the Mayor authorized to sign, with delivery contingent upon satisfaction of all conditions for reconveyance under the Lease Agreement. Motion carried 7 to 0.

--carried

RESOLUTION NO. 204

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Excel Corporation and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION

RESOLUTION.

RESOLUTION NO. 05-205

A Resolution Establishing the Order of Succession as Mayor of the City of Wichita, Kansas, in the absence from the City of the Mayor and the Vice-Mayor, presented.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE

SECOND READING ORDINANCE: (FIRST READ APRIL 12, 2005)

Acquisition by eminent domain of a tract required for the improvement of Central Avenue from Oliver to Woodlawn. (Districts I AND II)

ORDINANCE NO. 46-576

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of Central Avenue between Oliver and Woodlawn in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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UNFINISHED BUSINESS

PRIVATE SECURITY PRIVATE SECURITY UPDATE. **(CONTINUED FROM NOVEMBER 2004)**

Terry Moses Wichita Police Department reviewed the item.

Agenda Report No. 05-0355

In November 2004, an individual who was denied a City of Wichita private security permit appeared before the City Council to appeal the denial, which was based on a juvenile conviction and how the application form was completed. The City Council denied the appeal and requested that the Wichita Police Department revise the private security application form and review and make recommendations to the City Council regarding criminal convictions, specifically time limits on disqualifying convictions.

The Police Department conducted a peer study to determine how other jurisdictions deal with both juvenile and adult convictions. As a result of the research, the Police Department is recommending that the ordinance regarding private security remain unchanged, and that applicants with either juvenile or adult convictions be encouraged to seek expungement of those convictions. This alternative ensures that individuals convicted of certain crimes (crimes of violence, sex crimes, etc.) cannot obtain a private security permit, yet it allows those convicted of lesser offenses to obtain a permit. The Police Department has made the following changes to the private security application form:

- The phrases "as an adult or juvenile" and "of any misdemeanor or felony" have been added to the question regarding arrest history.
- The phrase "of any misdemeanor or felony" has been added to the question regarding conviction history.
- Language has been removed that required applicants to report convictions as an adult or juvenile that have been expunged.

The current ordinance regarding private security companies and their employees was last updated in 1999. The Wichita Police Department Training Bureau is working with the Law Department to review several provision of the existing ordinance and plan to involve local private security company representatives in the review process.

The recommendation has been reviewed and approved by the Law Department.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Mayans moved that the report be received and filed. Motion carried 7 to 0.

CONDEMNATION REPAIR OR REMOVAL OF UNSAFE STRUCTURES, 2048 NORTH MINNESOTA. **(DISTRICT I)** **(CONTINUED FROM FEBRUARY 1, 2005)**

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Report No. 05-0356

This property was before the Board of Code Standards and Appeals (BCSA) on November 8, 2004. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before Council for a hearing on February 1, 2005. The new owner, Inga Taylor, appeared to represent the property and Council voted to defer action on this case for 60 days.

On April 1, 2005, staff made a visit to the property. The owner was on site and repairs were underway. The property is being maintained secure. There is an active building permit posted.

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Taxes: The 2001, 2002, 2003 and 2004 taxes are delinquent in the amount of \$1,821.63. There are special assessments for lot cleanup and emergency board up in the amount of \$1407.41, including interest.

The owner has been notified of the date and time of this hearing.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved to return this to regular housing code enforcement to complete the interior requirements and remove it from condemnation consideration. Motion carried 7 to 0.

AIRTRAN AIRWAYS TRANSPORTATION SERVICES AGREEMENT-AIRTRAN AIRWAYS, INC. **(DEFERRED APRIL 12, 2005)**

Allen Bell

Economic Development Director reviewed the item.

Agenda Report No. 05-0357

On February 28, 2002, the City Council entered into a two-year revenue guarantee agreement with AirTran Airways. AirTran was to provide airline service to Atlanta and Chicago with Boeing 717 aircraft, effective May 8, 2002. A revenue guarantee based upon costs of service was established with a cap of \$3 million the first year and \$1.5 million the second year. On May 10, 2004, the City Council approved a one-year extension of the AirTran revenue guarantee agreement, until May 7, 2005, with a cap of \$2.5 million. AirTran is desirous of entering into an additional one-year revenue guarantee agreement with the City of Wichita, under the conditions outlined below.

The presence of AirTran and their corresponding pricing structure has had a significant impact on airfares at Wichita Mid-Continent Airport, contributing to a 30% overall reduction in airfares and a corresponding 33% increase in passengers. It is estimated that the savings to the air travelers using Wichita Mid-Continent Airport as a result of the presence of AirTran exceeds \$85 million dollars.

The proposed new agreement calls for a minimum of three daily round trips to AirTran's Atlanta hub using 117-passenger Boeing 717s, beginning on June 7, 2005 and continuing for the term of the agreement, plus one weekly flight to Orlando. In place of a specified-dollar cap, the new agreement includes a termination provision that allows the City to unilaterally terminate the agreement with 75-days written notice when the City determines that the funding appropriated for revenue guarantee payments will run out. In addition, under the new agreement, the City will receive credit for any profits AirTran makes during a monthly accounting period, to offset any later revenue guarantee payments that may be required as a result of non-profitable months.

Sedgwick County and the Wichita Area Chamber of Commerce have joined in the effort to secure affordable air service at Wichita Mid-Continent Airport on a permanent, sustainable basis. Sedgwick County will consider entering into an inter-local agreement with the City to provide additional funding for the revenue guarantee payments, in the event the City's funding is depleted. The Chamber of Commerce is working on an enhanced frequent flyer program that will provide attractive incentives to encourage greater patronage of AirTran flights by business travelers using Mid-Continent Airport.

The agreement calls for a revenue guarantee (a guarantee that AirTran will break even financially on the Atlanta route) paid monthly if there are demonstrated losses, after netting out any prior profits on the Atlanta route. The goal is for AirTran to become profitable in the market. Funding for the 2005 revenue guarantee agreement will come from funds transferred to the Economic Development Fund from the Landfill Post Closure Fund and the General Fund appropriated reserves (if required) in the amount of \$2.5 million. Supplemental funding is anticipated from Sedgwick County in the amount of \$1 million, pursuant to an inter-local agreement.

Expending these funds from the Economic Development Fund will require the Fund to be amended (re-certified) with the State of Kansas, pursuant to 79-2929a. By the short-term utilization of contingencies

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in the Economic Development Fund and other funds, this re-certification process can be scheduled in August, in conjunction with the adoption of the annual budget or earlier if required.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Harold Beavis

Mr. Beavis stated that he is the Vice-President of Public Affairs for Delta Airlines and had asked the Council to postpone this item until today in order for him to come and speak to them and thanked the Council for the opportunity. Stated that not only does he represent Delta but he represents the 26 airlines that are members of the Air Transport Association and all of these airlines are serving Wichita's airport today. Stated that he hopes that all of the Council Members have read the letter that came to them from the FAA and the letter that came from Mr. Doug Blissit, who is the Vice-President of network analysis at Delta. Stated that all they are asking for is for Delta and all of the other airlines of the ATA is to have an opportunity to do the same thing that AirTran is getting, which is a subsidy to serve Wichita's airport. Stated that there are some things that are in jeopardy for the Wichita Airport, which is the expansion of a new terminal. Stated that those dollars would be in jeopardy if this agreement is entered into as the FAA has stated.

Doug Blissit

Mr. Blissit stated that he is here to ask the Council's help in preserving a fair and level competitive playing field in the Wichita market. Stated that Delta has served Wichita since 1989 and currently provides service to all three of their major domestic hubs and offer convenient one-stop connections through these hubs to over 200 destinations and spends over 30 million dollars a year providing this service and directly provide just under \$425,000.00 a year in payments to the Mid Continent Airport. Stated that the City Council has been asked to approve the one-year renewal of the revenue guarantee agreement with AirTran and in each of the last three years the City has paid between 1.5 and 3 million dollars in direct subsidy to AirTran. Stated that the renewal this year would provide a revenue guarantee of 2.5 million for AirTran flights to Atlanta and or Orlando. Stated that Delta asks the City for a guarantee similar to the one offered AirTran, the City denied the 2004 requests and has yet to respond to the 2005 request. The FAA determined that the 2004 agreement and the proposed 2005 agreement violate federal grant assurances signed by the Wichita Director of Airports, the City Manager and the Mayor. Stated on August 11, 2004, the FAA notified the Director of Airports of the violation and again on April 6th of this year in a letter addressed to the Council for the Wichita Airport. Stated that the FAA reiterated the violation and advised the fact that the City favors the routes and fares of one carrier over another, does not justify the continuing of financial incentive that favors one carrier over another making similar use of the airport. Stated that the FAA has decided that the AirTran subsidy agreement as written is illegal. Stated that the FAA has given the authority 30 days to explain how it would resolve the issue. Stated that instead of taking action to resolve the issue, it seems that the City is preparing to renew the revenue guarantee for another year in knowing violation of the FAA's determination and as recently as yesterday morning, Charles Erhard, manager of airport compliance with the FAA spoke to the City Attorney to reiterate how seriously the FAA takes this matter. Stated the FAA's remedies for the violation include terminating eligibility for federal grants, suspending payment of grant funds, withholding approval of new PFC applications and cease and exist orders. Stated that Delta feels that it is imprudent for the City to risk the loss of federal airport funding when it is embarking upon a \$150 million dollar airport expansion project. Stated that Delta is interested in a fair and level competitive competition in every market they serve and if the City is willing to subsidize AirTran service to Atlanta and Orlando, it should be willing to subsidize the service of any other carrier currently serving or willing to serve those markets. Stated that Delta is not opposed to revenue

guarantee programs and other air service development programs that comply with federal regulations and grant assurances. Stated that they feel that Delta has made a significant investment in the Wichita market since it began service here in 1989 and ask that the City of Wichita and the airport authority to recognize their continued investment in the Wichita market and ensure that the competitive landscape in the market is fair and equitable as required by law.

Council Member Schlapp

Council Member Schlapp asked if Delta is profitable in Wichita.

Doug Blissit

Mr. Blissit stated no they are not and have not been profitable as an entire company in a number of years and continue to stay because of the overall fixed asset base that they have and the prognosis that according to their ability to lower their overall costs through employee cost reductions, changes in efficiency and productivity of the company that they believe they will be profitable going forward.

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Council Member Schlapp Council Member Schlapp stated that there really is not a need for a subsidy for them at this time.

Doug Blissit Mr. Blissit stated that at this time they continue to lose money and feel like they are disadvantaged by the unfair competition that AirTran is provided.

Mayor Mayans Mayor Mayans stated that we appreciate the service that Delta has provided to the community as well as the service of the other airlines that have been here for quite some time. Stated that we are in a market place where we have been discriminated against regarding rates and have been very concerned and that previous administration had an idea that had to do with providing a subsidy in our transportation network. Stated that many of the Council Members are opposed philosophically to government interventions because the Council feels that this sometimes tilts the playing field. Stated that we have been trying to find a way to lower air fares to bring more business into our community and do not know if this is the best way of doing it but it is a way of doing it and we have been successful in lowering rates to many destinations. Stated that he is opened to new ideas and if there is another way of doing this, he is willing to do that. Stated that he invited Mr. Blissit to come and visit with us or they could have gone to Atlanta but was never called back. Stated that he has asked the City Manager to contact Mr. Blissit and he has indicated that he has made some phone calls and he has also never heard from anyone regarding a plan. Stated that they are open to discussion with all of the airlines but communication is a two way street.

Doug Blissit Mr. Blissit stated that his recollection differs slightly from the Mayor's and that they were interested in pursuing a similar type of agreement to what AirTran was provided and it was suggested to him that service to Atlanta was not a part of Wichita's plans for that type of arrangement but would be interested in services west. Stated that he does not recall that it was his responsibility to get back with him and have made a number of attempts to contact the airport and City Council and the Mayor and to date, he knows of at least six individual communications that have gone unanswered. Stated the would be interested to know who the City Manager has been trying to contact because his phone has not rang. Stated that they are more than willing to sit down and talk with the Council about this situation and what can be done to improve things going forward.

Council Member Brewer Council Member Brewer stated that there seems to be a communication problem that started when we first started looking at AirTran. Stated when we brought Frontier to Wichita no one jumped on board then either and we saw what happened to the prices when Frontier left. Stated that we understand what you are asking for but also understand that you are asking for it because somebody else is receiving it and it is having an impact on you financially. Stated that we have to keep affordable air fares here in the City of Wichita so that people can fly in and out because if we do not they will drive to Oklahoma or other places. Stated when the City of Wichita was in need, we did not see Delta stepping up to the plate and try to help us in any way and if we cannot get you to help us we have to help ourselves.

Doug Blissit Mr. Blissit stated that he appreciates the Council Members and the City's desire to stimulate economic development and Delta does share that desire. Stated that they could not provide the service that they provide today, without healthy economic basis here in Wichita. Stated that they are the third largest carrier at the airport today in terms of overall seats and second largest carrier in terms of flights and it depends on a vibrant economy here. Stated that their issue is more that the program as designed has been determined as early as last summer by the FAA, as being discriminatory and inconsistent with federal grant assurances. Stated that the reason for the flurry of activity recently is because of the media in Wichita, they found out that the City of Wichita was intent upon renewing a similar agreement and the FAA has taken a look at this new agreement and still determines that it is inconsistent with federal grant assurances and therefore illegal based on the City and the airports desire to continue receiving FAA funds. Stated that they are only looking for a level playing field.

Gary Rebenstorf Director of Law explained that there is obviously a difference of opinion that he has with Mr. Blissit as to his characterization of what the FAA has indicated and what his conversation with Mr. Erhard was yesterday. Stated that the FAA has sent the City of Wichita a letter in response to a letter that our outside legal counsel had sent to the FAA back in the fall of last year indicating our position as to the airport authority being a separate entity and the funds being used for any type of subsidy for AirTran was not coming from any airport revenues or anything that was involving the activities of the airport. Stated that it was purely coming from the governmental entity of the City of Wichita and the FAA has

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issued a letter on April 6, 2005, before the Council was going to address this matter saying that they disagreed with our outside legal counsel's opinion and the information that was submitted by him. Stated that there was no discussion in that letter concerning this new agreement and that all of the discussion in the letter that he received from the FAA only had to do with the previous arguments made by our outside counsel. Stated that there is nothing in federal law that says what type of structure a governing body has to have or a city has to have for operating airports. The City is operating under state law and its Home Rule Authority to set up a separate governing body, the airport authority, and when the City Council sits as the airport authority, it is sitting as a separate governing body. Stated that is a well recognized legal principle in Kansas and the County Commission sits as a separate governing body in many issues that they have to deal with. Stated that this is not anything new or improper under Kansas law, in fact, it is well recognized in Kansas law. Stated that regarding his conversation with Mr. Erhard yesterday, it was a very congenial conversation and told him that the City of Wichita would be glad to work with him and would look into this issue but had nothing to respond to him at this time. Stated that Mr. Erhard told him that this was an issue that the FAA was dealing with because it is happening all over the country and that is their concern and that they are not picking on Wichita. Stated that the term "illegal" was never used in his conversation with Mr. Erhard.

(Council Member Fearey momentarily absent)

Council Member Martz Council Member Martz stated that he is not sure if this is the forum to debate this. Stated that he is very appreciative of having Delta here but at the same time he is somewhat disillusioned. Stated that when AirTran originally started, the major carriers undercut AirTran's rate until AirTran and the City of Wichita could no longer afford that run and almost immediately after that run was stopped all of the rates went back up appreciatively higher than they were before. Stated that this is a challenge that we are faced with and historically the City of Wichita has been one of the highest rated cities as far as costs to fly in and out of at no help of the major carriers. Stated that he is a firm believer in competition and thinks that the rates ought to be that all carriers can break even and as a result we do not have to help anybody but does not see any history of being helped out in this type of competition by the major carriers. Stated that what we have done in the past is try to help our economy and this is economic development for the City of Wichita and for the state of Kansas. Stated that this is the only airport in the state of Kansas that has major carriers. Stated that he would be willing to try and work out something and would prefer not having any financial help from the City but rather through pure competition and all carriers reduce their rates to a level where they can make a profit and at the same time make it economical for the citizens of the whole state of Kansas to be able to fly in and out of Wichita and not have to drive to Oklahoma City or Kansas City to get a low cost or decent cost airfare. Stated that this is what this issue is about, it is not about playing favorites with anybody.

Doug Blissit Mr. Blissit stated that he agrees with his sentiment on open competition and unsubsidized competition and that is the intent of their appearance today. Stated that they welcome any future conversations that they can have and that it is still Delta Airline's opinion and their understanding from the FAA that pricing and fare structures are not an allowable basis to distinguish between carriers based on the grant assurance programs. Stated that they have led the entire domestic industry in pricing restructuring as recently as this past January and look forward to trying to work out a balanced and fair agreement with the City of Wichita and the airport to ensure competition that allows the market forces to work.

Sam Williams Mr. Williams stated that he believes strongly that this is something that the attorneys will work out in terms of the structure that needs to be appropriate for this deal. Stated that the Council has done a wonderful job in improving the economics in the City of Wichita. Stated that the City of Wichita was the world headquarters for Pizza Hut and when they moved out of our market, the primary reason they gave us was that we do not have the competitive fares in Wichita it allow them to travel the world to develop their business the way that they need to. Stated not long after that the world headquarters of Rent-A-Center moved to Dallas for the same reason. At that time an effort was put forth to go out and find a partner who would work with the City of Wichita in a way to bring low fares to our market on an outstanding long-lasting basis. Stated that this is when he became involved in this and that they had a plan and named it Fair Fares and they said that they did not care who came and participated with them but wanted it to be a fair fare. Stated at that time they were able to entice three carriers to look at us and AirTran, ATA and Frontier were the three airlines. Stated that they went out among some private businesses and raised a travel bank of about \$8 million dollars of pledges that they would use to travel to these different markets that these airlines would service. Stated that they were able to entice Frontier

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and AirTran to work with them and as part of that deal was a revenue guarantee. Stated that this was in 2001 and on September 11th, we all know what happened on that day, which affected us the second worse of any community in the United States other than New York. Stated that since AirTran has come to our market, our airport has increased its ridership over 400,000 passengers and the majority of those passengers have not gone to AirTran but went with our legacy carriers, which are our major carriers and one of them is here with us today. Stated that he would submit that Delta has received a direct benefit of what Wichita has done to improve our economic development. Stated that price competition is what the Council has brought to this community by supporting AirTran. Stated that he is asking the Council to stick by their guns and allow the attorneys to work this matter out to make it so that the proper structure exists.

Mayor Mayans

Mayor Mayans stated that he understands that Council Member Skelton is requesting to defer this item until the next meeting so that he can consult with his DAB members, which he promised them that he would do so. Asked Council Member Skelton not to defer this but to vote on it today, mindful of his promise to his Neighborhood Association, but believes that we need to move this issue forward and sit down and let the attorneys work out their differences and keep the door open for the Council and the community to visit with the people from Delta. Stated that this issue is important and the County plans to meet tomorrow regarding this issue. Asked Council Member Skelton not to make a motion to defer but to vote on it today.

Council Member Skelton

Council Member Skelton stated that he does see this as a important tool for economic development for this community and the information that he has seen and read and that the staff reports tell him that this program does reap high returns, however, as a City Council Member and representative of District III, he feels it is important to discuss the components of this issue with his DAB and other interested citizens and that if it is the will of the Council to approve this agreement today, he will have to vote in opposition.

Motion--
--carried

Mayans moved that the contract be approved; the necessary budget transfers and the necessary signatures authorized. Motion carried 6 to 1, (Skelton-no).

NEW BUSINESS

VISIONEERING

VISIONEERING WICHITA.

Susie Alstrand

Visioneering Wichita reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 05-0358

On May 4, 2004, the Wichita City Council was asked to support a strategic visioneering process to assist leaders and newly emerging leaders with defining a direction for the greater Wichita community. The City of Wichita, in collaboration with Sedgwick County, the Kansas Health Foundation, the Wichita Community Foundation and the Wichita Downtown Development Corporation were asked to fund the visioneering effort. At this meeting the Council authorized \$75,000 for this project.

Following completion of the Visioneering Plan in 2004, the City Council, along with many other public and private organizations, was asked to adopt the Visioneering Plan and become a vision partner. The City Council took formal action to officially become a vision partner on January 4, 2005. City staff is reviewing the foundations and strategies that comprise the plan in conjunction with a Draft Strategic Plan for the City of Wichita developed in 2003, to more fully determine the strategies outlined in the Plan where the City can assume full or partial ownership.

The Wichita Chamber of Commerce, on behalf of Visioneering Wichita, is seeking additional funding from community resources to support Phase II Implementation of the Visioneering Wichita initiative. The Visioneering Wichita 2005 Work Plan identifies the action steps for Phase II. It includes staff support by the Chamber, engaging the services of Henry Luke, marketing and public relations efforts,

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securing additional volunteers, launching six strategic alliances, leadership development and providing feedback to the community on the success and status of Visioneering Wichita.

The City of Wichita, along with other funding partners, is being asked to contribute to the Phase II implementation Plan. The financial request to the City of Wichita and Sedgwick County is \$50,000. Kansas Health Foundation and Wichita Community Foundation are being asked to contribute \$25,000 each. The request to the Downtown Development Corporation is \$35,000 and the Knight Foundation request is \$60,000. There is a \$37,500 carry over from 2004 that will be utilized for Phase II activities. The Chamber has already secured commitments from several of these funding partners.

Funding for the City's portion of Phase II (\$50,000) is available from the Economic Development Fund. There are sufficient dollars in this fund to support this project without compromising funding set aside for economic development projects.

(Council Member Schlapp momentarily absent)

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the participation of Phase II Implementation of Visioneering Wichita be approved and the funding authorized. Motion carried 6 to 0, (Martz absent).

COLEMAN CO.

EXTENSION OF IRB TAX EXEMPTION, THE COLEMAN COMPANY.

Agenda Report No. 05-0359

On December 9, 1999, City Council approved issuance of Industrial Revenue Bonds in the amount of \$5.3 million to The Coleman Company. In conjunction with the bond issue, City Council approved a 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize.

On December 31, 2004, the initial five-year period for tax exemption expired. The Coleman Company request City Council extend the tax exemption to include the second five years on bond-financed real and property.

The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other products for recreational use and do-it-yourself markets.

As a condition of the bond issue and tax exemption, Coleman committed to: construct a new corporate headquarters, expand existing manufacturing facilities, and purchase machinery and equipment, with a total investment of \$5,300,000, and create 200 new jobs within five years of the bond issue.

A measure of Coleman's initial five-year project commitments and outcomes are as follows:

1999 Commitment	December 31, 2004 Status
. Construct new building addition	Completed new headquarters and building addition
. Purchase Manufacturing Equipment:	Purchased equipment worth over \$4,695,000
. Create 200 new jobs in five years:	No jobs were created

Staff conducted a site-monitoring visit on July 24, 2004. Coleman has fallen short of its projection and has significantly downsized its workforce. Coleman has recently undergone an extensive corporate

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restructuring, in which the mission of the Wichita plant is shifting from manufacturing to more distribution. As a result, the company does not anticipate a significant increase in employment levels.

In 2000, the County's appraised value of the exempted bond-financed property was approximately \$3715,000. That property's appraised value is currently \$1,258,000. Based on the 2004 mill levy, the 2005 taxes on the exempted property would be approximately \$142,640. Coleman is current in payments of administrative service fees.

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

(Council Member Skelton momentarily absent)

Motion--
--carried

Mayans moved to defer this item indefinitely for Council to have additional time for further discussion. Motion carried 6 to 0, (Skelton absent).

SEWAGE PLANT NORTH CENTRAL

SEWAGE TREATMENT PLANT SITE SELECTION-NORTH CENTRAL. (DISTRICT VI)

Dave Warren

Director of Water and Sewer reviewed the item.

(Council Members Schlapp and Gray momentarily absent)

Agenda Report No. 05-0360

The updated 2000 Sewer Master Plan calls for the construction of a new sewage treatment facility within the next decade to serve north central Wichita. To construct the facility, the Water & Sewer Department must first acquire an appropriate site. The City hired Professional Engineering Consultants to assist in the identification and evaluation of possible sites.

The City employed a multi-phase approach to identifying an appropriate site. The first phase was an evaluation of sites by a committee composed of City Staff, consulting engineers and citizens appointed by District Advisory Board (DAB) VI. The next phase involved citizen input. A public information fair was conducted on January 25, 2005, to answer citizens' questions and provide an opportunity to present their concerns and comments. Staff then presented the findings of the study and the information fair at the District Advisory Board meeting on March 7, 2005. The technical review, the information fair findings and the DAB recommendation will now be presented to City Council for review and action.

Analysis:

Technical Review

The site selection committee, composed of City staff, consulting engineers and selected members of the District Advisory Board performed a technical review of potential sites in this area. The committee used the following criteria:

- Initial Siting Criteria
 - o Location relative to the drainage basin
 - o Separation from residences
 - o Natural screening
 - o Potential for development
- Secondary Siting Criteria
 - o Additional costs to develop site
 - o Ability to service future development
 - o Permitting issues

Using these criteria, the committee ranked sites 6, 4, and 5 (in this order) highest, based on their technical merits.

Public Information Fair

Staff presented this information to the public at a City sponsored "information fair" on January 25. The information fair was open to all interested parties and was communicated to people in District VI via

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public announcements and door hangers in the area closest to the proposed sites. Citizens were given the opportunity to discuss with the evaluation committee, other City Staff, state regulators and others, issues and concerns about a sewage treatment facility in the area. The citizens were also asked to provide feedback about site preferences and concerns. Following is some of the feedback regarding site preferences and dislikes with 56 responses received.

- Most Desirable Site:
 - o Site 4 ranked most desirable with 37 respondents indicating it to be one of their most desirable sites
 - o 13 respondents indicated that site 6 was the most desirable of the proposed sites
- Least Desirable Site:
 - o Site 5 ranked least desirable with 28 respondents indicating that it was their least desired site
 - o 21 respondents indicated site 6 was least desirable
- Concerns
 - o The top two concerns were odor from 55 respondents and property value from 47 respondents
 - o The lowest two concerns were disturbance of recreational areas and loss of parkland receiving 4 and 3 votes respectively

District Advisory Board Presentation

Staff presented DAB VI with the findings from the technical review and from the public information fair and asked the DAB to provide recommendations for preferred sites that Staff could present to the City Council. Because of limited regulatory and property ownership concerns (all preferred sites are currently owned by the City) the DAB recommend only one site. After a period of public comment and some deliberation among members of the DAB, the DAB recommended that a 20-acre site in the northwest corner of Site 4 be presented as the preferred choice. It was mentioned during the public comment period that Site 4 would be developed after being mined for sand. There were conflicting ideas about the type of zoning the land will receive after the mining is complete. Under any zoning classification, the site will require a conditional use permit.

Because the General Fund of the City owns all of the sites, the City Council may direct the Utility to acquire the site in consideration of the land value. Based on recent land sales in the area, Staff believes the land could be valued at \$5,000 per acre.

Financing is available in CIP S-522, Plant Siting Study and Land Acquisition.

City Council approval is required for the purchase of real property.

- | | |
|-----------------------|---|
| Council Member Martz | Council Member Martz stated that if we own the land why are we talking about an acquisition and asked if this was just a dollar swap. |
| Dave Warren | Director of Water and Sewer explained that the land is owned by the general fund and the utility is a separate enterprise operation and the utility would then have to purchase the land from the general fund unless the Council wishes to donate it to the utility. Stated that this is because of the separate accounting of the two entities, the general fund accounts for all of its monies separately from the utility, which is an enterprise, which recovers all of its cost through the sale of its services to our customer base. Explained that site six was the site that the evaluation committee ranked the highest and the DAB recommended that Council consider site four. |
| Mayor Mayans | Mayor Mayans inquired whether anyone wished to be heard and no one appeared. |
| Council Member Fearey | Council Member Fearey stated that she spoke to Ron Cornejo several times about this through the process and this will not affect their sand mining. They have different places shown on their development site where they will take and will not take sand and those can be moved around. Stated that this will not impact how much sand they can mine over the lifetime of that lease. Stated that they looked at site four and by putting this in the far northwest corner, will keep it away from possible development in that area plus it can fit into the development of that whole area when we look down the road at the recreation park being developed there. By putting this on site four it can actually help become an amenity for that area and it is that site that residents felt was the best to keep more distant from the development that is already in that area and there is some development planned across the street from that area. Stated that she also visited with those residents and assured them that when this |

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does come back in 10 years to actually be built, that the community will again be brought in for the design and it will be screened from residences.

- Council Member Martz Council Member Martz stated that he is not convinced that this has all been designated as park and that there is a potential that this could have been something else and his concern on using site four is that if this is anything other than a park area, it could be detrimental to future development and that is why he has a struggle with selecting site four and has a tendency with leaning towards site six.
- Dave Warren Director of Water and Sewer stated that there exist around site six as it is viewed from K-96 an extensive heavily wooded area and that the natural screening of this site from public view is better than at site four. Stated that regardless of the perception that exists, odor is not going to be an issue around these new facilities.
- Motion-- Mayans moved that the City Council select site number six; direct Staff to acquire the site for future construction of a sewage treatment plant and authorize the necessary signatures.
- Council Member Skelton Council Member Skelton stated that after looking at the DAB recommendation and he has some contact with the residents in the Moorings and have discussed this issue as to why they feel site four is the best site. Stated that he is leaning towards site four because of the information that he has in front of him.
- Council Member Fearey Council Member Fearey stated that she has followed this process completely through and have attended every public meeting and on the Selection Committee and that cost wise there is virtually no difference between these sites and that she insisted that it go out to the community and thinks the community has spoken on this and is wanting to honor their feelings on this matter. Stated that she feels that the Council should look at the DAB's expertise and their selection and what they have studied on this issue. Stated that she will be supporting site four.
- Council Member Schlapp Council Member Schlapp state that it is District VI's area and that she feels the DABs are instrumental and has a tendency when there is not a unanimous vote to honor the DAB's recommendation and is tending to lean toward site four also.
- Mayor Mayans Mayor Mayans stated that staff are the experts and have a recommendation that they have made. Stated that his concern is what happens if we picked that location and then the neighbors do not like it in the middle of the development in which we have signed an agreement for sand mining. Stated that if we had assurances that if it were in area four that it would be in a particular place of area four would be one thing but to pick a site not knowing when we have an agreement is problematic. Stated that it is because of that, the staff recommendations are appropriate. Stated that he is looking at what is best for the City in the long run as we move forward with our waste disposal and clean water.
- Council Member Martz Council Member Martz stated that he has spoken to a couple of people on the citizens committee, that they did not go out to some of the other plant that we already have to see if there was an odor problem. Stated that the only overriding thing that he sees here in voting against site six is because of the odor. Stated that he is concerned with the other aspect of the development on and around site four and is also looking at how the Site Selection Committee voted on this, so he will support site six.
- (Council Member Brewer momentarily absent)
- Council Member Fearey Council Member Fearey stated that she is under the impression that staff was fine with anyone of these three sites and feels that this has several different facets in it and that taken all together she does not see a problem with supporting site four.

WITHDRAWN

- withdrawn Mayor Mayans stated that he would withdraw his motion and that there will be a special meeting next week and that this could be taken up at that time. Gray withdrew his second.
- Motion-- Mayans moved to defer this item until the next meeting, which will be a special meeting next week.
--carried Motion carried 6 to 0, (Brewer absent).

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SEWAGE PLANT SOUTHWEST

SEWAGE TREATMENT PLANT SITE SELECTION-SOUTHWEST. (DISTRICT IV)

Dave Warren

Director of Water and Sewer reviewed the item.

(Council Member Fearey momentarily absent)

Agenda Report No. 05-0361

The updated 2000 Sewer Master Plan calls for the construction of a new sewage treatment facility in the next year or two to serve southwest Wichita. In order to construct the facility, the Water & Sewer Department must first acquire an appropriate site. The City hired Professional Engineering Consultants to assist in the identification and evaluation of possible sites.

The City employed a multi-phase approach to identifying an appropriate site. The first phase was evaluation of sites by a committee composed of City Staff, the consulting engineers and citizens appointed by the District Advisory Board (DAB) IV.

The next phase involved citizen input. A public information fair was conducted on January 18, 2005, to answer citizens' questions and provide an opportunity for them to present their concerns and comments. Staff then presented the findings of the study and information fair to the District Advisory Board meeting on February 2, 2005. The technical review, the information fair findings and the DAB recommendation will now be presented to City Council for review and action.

Analysis:

Technical Review

The site selection committee, composed of City Staff, consulting engineers and selected members of the District Advisory Board performed a technical review of the potential sites in this area. The committee used the following criteria:

- Initial Siting Criteria
 - o Location relative to the drainage basin
 - o Separation from residences
 - o Natural screening
 - o Potential for development
- Secondary Siting Criteria
 - o Additional costs to develop site
 - o Ability to service future development
 - o Permitting issues

Using these criteria, the committee ranked sites 1, 2, 5, and 7 (in this order) highest on technical merits. Because the Board of Park Commissioners owns all the above-mentioned sites, Staff approached the Board about sale of the land to the Water & Sewer Department. Staff further advised the Board that the land would be replaced with new parkland in another location and that park amenities would be provided for the new park location. The Board unanimously voted to deny the sale or use of any parkland for the purpose of constructing a Sewage Treatment Plant.

In an effort to identify other viable sites in the area, the Water and Sewer Department approached the Airport Advisory Board (AAB) about using sites 14, 3 and 16. The Department will have to address FAA restrictions concerning flight path obstructions, crash zone restrictions and waterfowl attraction before these sites could be acquired and used. The AAB approved sites 14, 3, and 16, and also proposed site 18 as an option for consideration.

Public Information Fair

Staff presented this information to the public at a City sponsored "information fair" on January 18. The information fair was open to all interested parties and was communicated to people in District IV via public announcements and door hangers in the area closest to the proposed sites. The information fair format provided citizens the opportunity to discuss with the evaluation committee, other City Staff, state regulators and others, issues and concerns about a sewage treatment facility in the area. Citizens were also asked to provide feedback about site preferences and concerns. The following lists some of the feedback regarding site preferences and dislikes. (117 responses were received)

- Most Desirable Site:

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- o Site 18 ranked most desirable with 56 respondents indicating it to be one of their most desirable sites
- o 17 respondents indicated that they had no most desirable choice
- o 11 indicated site 1 was most desirable
- Least Desirable Site:
- o Sites 1 and 3 ranked least desirable with 39 respondents
- o 38 respondents indicated Site 2 was least desirable
- Concerns:
- o The top two concerns were property values from 98 respondents and odor from 95 respondents
- o The lowest two concerns were plant flooding and stream flooding, both receiving 41 responses.

District Advisory Board Presentation

Staff presented DAB IV with the findings from the technical review and the public information fair, asking the DAB to provide recommendations for preferred sites to present to City Council. The DAB recommended first and second choice sites. The DAB did this to insure that if the primary choice was eliminated as a viable alternative due to FAA restrictions, a second site could be pursued without having to revisit the DAB. After a period of public comment and deliberation among the members of DAB, they recommended that Site 18 be selected as the first choice, and Site 16 be presented as their second choice.

Additional Review

After the DAB expressed their preference for Site 18, Staff followed up with Airport management on March 7 about the potential restriction associated with locating a sewage treatment plant on Airport property. Following is a list of concerns provided by Airport management:

- Reflective surfaces effect on radar equipment
- Plant radio communication frequencies causing interference to tower communications
- FAA restrictions on site usage and construction materials
- Airport use of Site 18 as a staging area for construction and future Airport related development
- Waterfowl attraction to open water areas in plant process
- Height restrictions

If City Council chooses Site 18, Staff will proceed with a complete investigation and resolution of these concerns with the FAA and Airport management. For Staff to effectively address these issues, preliminary design work on the plant will be required along with an application to the FAA. This may take six months or more to complete.

Because Site 18 is on Airport property, the Department would have to negotiate a long-term lease with the Airport for use of the site. Site 16 is located on property that is owned by the City (for future industrial park). The City paid \$38,800 per acre for the land in Site 16. The Department would need about 20 acres for the Sewage Treatment Plant.

Financing for this project is available in CIP S-522, Plant Siting Study and Land Acquisition.

City Council approval is required for the acquisition of real property.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Dave Warren

Director of Water and Sewer stated that if it is the Council's wish for them to pursue site 18 then in the event that they are unable to get FAA approval on site 18, he would like the authority to acquire a site on site 16 for the construction facility.

Motion--

Gray moved that the City Council select a site 18 as a primary site and site 16 as a secondary site only in the case of FAA denial of application; Staff be directed to perform needed engineering and applications to acquire the site for construction of a sewage treatment plant and authorize the necessary signatures. Motion carried 7 to 0.

--carried

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OLD ENGLISH APTS RESOLUTION OF SUPPORT FOR LOW INCOME HOUSING TAX CREDIT APPLICATION: OLD ENGLISH COURT APARTMENTS. (DISTRICT VI)

Mary Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 05-0362

The City has received a request from Transitional Residence Company, LLC (TRC), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the renovation/redevelopment of the Old English Court Apartments, which are located at 1156 N. Emporia. The State of Kansas requires developers/owners to obtain a resolution of support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) will also review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

TRC proposes to acquire and rehabilitate the Old English Court Apartments, which are located at 1156 N. Emporia. The project will also include construction of a new building on the site, which will be located at 1149 N. St. Francis. The completed project will offer 24 units of rehabilitated housing in the existing building, and 12 new units of housing in the newly constructed building. Twenty-four (24) one-bedroom units, six two-bedroom units, and six three-bedroom units will be available. Rents, net of utility allowances, are scheduled to be \$325 for one-bedroom apartments, \$375 for two-bedroom apartments, and \$425 for three-bedroom apartments.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, 7 total units) for market rate tenants. TRC is asking for a waiver of this requirement. The tax credit policy allows for a reduction in market rate units if the project is to be occupied by special needs populations, or if there are extenuating circumstances, or if market conditions support a deviation from the guideline. In this case, the developer is asking for a waiver due to market conditions and extenuating circumstances. Based on the developer's financial projections, and given the smaller size of the project and the substantial cost of rehabilitation, the tax credit program will not be a feasible source of financing, unless the 20% market-rate unit requirement is waived.

The total project cost is estimated to be approximately \$3,230,315. The applicant intends to finance the project utilizing funding from the sale of housing tax credits in the approximate amount of \$2,391,816, historic tax credits in the amount of \$336,203, a private bank loan in the amount of \$450,000, and deferred developer fees in the amount of \$52,296. The City will not directly participate in the financing of the project.

The project has been reviewed by the Housing Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB with waiver of the 20% market-rate unit requirement. The District VI Advisory Board approved a recommendation for adoption of the resolution of support by an 8-0 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution. Further, in accordance with City Council Resolution No. R-95-479, TRC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

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Lynn Ziegler

Ms. Ziegler stated that she resides at the 110 block of North Emporia and that when you allowed St. Francis Hospital to put all of their new businesses in this area over the last 10 years, she has had her basement flooded twice. Stated that there has been no provisions for any kind of drain off and if they are going to put apartments on North Emporia and concrete, where is all of that water going to go. Stated that the main concern that she has is parking and with the value of their homes in this area. Stated that these apartments do need to be renovated and are not in good condition, which has attracted undesirable activity in this area. Stated she wants to know what other housing additions or area this company owns and whether they are going to be slum lords and fix this up and leave the neighbors with contending with what type of people are living there. Stated that she has no problem with the low income or moderate income people moving in here and that she just wants good neighbors and does not want to fight with parking and does not want to have more water in her basement.

Bradley Doden

Mr. Doden stated that he resides at 1145 N. Emporia and that he has attended several DAB meetings and that his perception was that there was general approval of the project. Stated that they also expressed some concerns that were not addressed and should be thought about as this project is considered. Stated that they are the concerns about limited parking in the area, the aesthetics, which can be addressed with architectural features and the concern of additional paving that is going on in the area and the concern that storm drainage is not adequate for the additional paving that is going on. Stated that he is in favor of the project but has these three concerns.

Issac Baehr

Mr. Baehr stated that he is doing renovation of historical properties in this area and that his chief concern is the crime that brings to the area regarding these apartments. Stated that cleanliness has always been a problem and has spoken to managers of these apartments and they never did follow up. Stated that they would like to see the apartments renovated or bulldozed as they exist today but would like to see something done to show progress with the existing apartments before they are given assistance in expanding what has already been a community problem in that area.

Council Member Fearey

Council Member Fearey explained that most of these issues were brought up at the public meeting and she has also met with the housing staff and the applicant about this project. Stated that these apartments do have a history of being troubling for the area but the developer is going to put a sizable amount of money into the existing apartments in order to make the project work. Stated that Key Management will be managing the facility and they have a good reputation and are working with the historic preservation planner and board. Stated that regarding parking they are going to look at vacating the alley that is between the two buildings so that they will have more parking and they have been working with the neighborhood about where to locate the new building to help with parking issue. Stated that public works is aware of the drainage issue and we will be working with them but does not think this will add significantly to the drainage problems in that area.

Motion--

Fearey moved that the public hearing be closed; the resolution of support for the TRC application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement be adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. H-05-01

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

INTERFAITH VILLA

RESOLUTION OF SUPPORT FOR LOW INCOME HOUSING TAX CREDIT APPLICATION; INTERFAITH VILLA COURTS APARTMENTS. (DISTRICT VI)

Mary Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 05-0363

The City has received a request from Interfaith Ministries, Inc. (Interfaith), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the

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renovation/redevelopment of the Interfaith Villa Courts Apartments, which would be located within the 900 block of the east side of north Market Street. The State of Kansas requires developers/owners to obtain a resolution of support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program. The project will involve the demolition and/or moving of existing structures within the block.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

Interfaith proposes to acquire properties on the east side of the 900 block of North Market, and construct the Interfaith Villa Courts Apartments. The completed project will offer 40 units of newly constructed rental housing units, including 12 one-bedroom units, 24 two-bedroom units, and four three-bedroom units. Rents, net of utility allowances, are scheduled to be \$341 for one-bedroom apartments, \$393 for two-bedroom apartments, and \$435 for three-bedroom apartments.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, 8 total units) for market rate tenants. Interfaith is asking for a waiver of this requirement. The tax credit policy allows for a reduction in market rate units if the project is to be occupied by special needs populations, or if there are extenuating circumstances, or if market conditions support a deviation from the guideline. In this case, Interfaith is asking for a waiver due to extenuating circumstances and market conditions. Interfaith currently offers market-rate apartments in its Villa North project, but has advised staff that the market-rate units are difficult to lease. Ultimately, the units were leased when the rents were reduced. In addition, Interfaith plans to provide supportive services to the tenants of the Villa Courts apartment project, utilizing Supportive Housing Program funds provided through the U.S. Department of Housing and Urban Development (HUD). This program will enable Interfaith to provide supportive services to chronically homeless and hard-to-house individuals and families. A waiver of the 20% market-rate requirement will enable Interfaith to apply for tax credit financing for all of the units in the project, thereby allowing for the reduction of long-term debt service, and thus, an ability to provide affordable rents for all units, without jeopardizing the viability of the project.

The proposed project involves the demolition of structures that are eligible for listing on the historic register. In addition, the project is located within the environs of a historic structure and other structures eligible for listing on the historic register. The historical significance of the location and the plan to use HUD Supportive Housing funds, generate the need for two environmental reviews. First, Interfaith is required to obtain an environmental review to satisfy HUD funding requirements, including a Section 106 review to address the historical significance of the area. The Planning Department is conducting these reviews. In addition, the City's building permitting process requires obtaining a Certificate of Appropriateness Environs Review from the Historic Preservation Board. The Planning Department supports this recommendation for a resolution of support, subject to Interfaith requesting the Certificate of Appropriateness during the permitting process.

The total development cost is projected to be \$4,395,005. The applicant intends to finance the project utilizing funding from the sale of housing tax credits in the approximate amount of \$3,264,076. The final financing package will also include a Supportive Housing Grant from the U.S. Department of Housing and Urban Development, Affordable Housing Program funds, and funding secured as part of a capital fund-raising campaign to be initiated by Interfaith, and possibly a private bank loan. The City will not directly participate in the financing of the project.

The project has been reviewed by the Housing and Community Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB with waiver of the 20% market-rate unit requirement. The District VI Advisory Board approved a recommendation for adoption of the resolution of support by an 8-1 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution. Further, in accordance with City Council Resolution

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No. R-95-479, Interfaith has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey

Council Member Fearey stated that some of the concerns of the neighborhood is the potential problem of having too much low income concentrated in one area that is why the 20% is set aside but the neighborhood likes the way Interfaith is working with people. Another concern is that there are three historic houses in the area that they are wanting to build plus an apartment at the north end of that block. Stated that they have agreed to try and work with the Historic Preservation Alliance and with the neighborhood to try and save as many as those buildings as possible.

Motion--

Fearey moved that the public hearing be closed; the resolution of support for the Interfaith application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. H-05-02

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

KEYSTONE APTS.

RESOLUTION OF SUPPORT FOR LOW INCOME HOUSING TAX CREDIT APPLICATION; KEYSTONE APARTMENTS. (DISTRICT III)

Mary Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 05-0364

The City has received a request from Midwest Ventures, LLC (Midwest), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the renovation of 92 units of the Keystone Apartments, which are located in the 800 Blocks of south Sylvan Lane and south Beverly street. The State of Kansas requires developers/owners to obtain a resolution of support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

The Keystone Apartments are located within the 700 and 800 blocks of south Sylvan Lane, and the 700 and 800 blocks of south Beverly Street, directly north of Southeast High School. The apartment community offers 177 units of one and two bedroom apartments in Four-Plex style structures. Midwest Ventures' application will assist in the funding of Phase I of the renovation project, or 92 apartment units.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (18 total units) for market rate tenants. Midwest Ventures has agreed to comply with this requirement. Thus, the LIHTC application will provide funding toward 74 of the units. The proposed renovation will include replacement of exterior siding, windows and doors, as well as complete interior remodeling, and

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The total project cost is estimated to be approximately \$751,675. The applicant intends to finance the project utilizing funding from the sale of the tax credits in the approximate amount of \$429,350, with the balance of the project financed with a commercial bank loan and the owner's equity. The City will not directly participate in the financing of the project.

The project has been reviewed by the Housing and Community Services Department, and has received recommendation for adoption of the resolution of support from the DAB and the HAB. The District III Advisory Board approved a recommendation for adoption of the resolution of support by a 5-1 vote, and the Housing Advisory Board approved recommendation for adoption of the resolution of support by a 6-0 vote. The DCC has also approved recommendation of adoption of the resolution. Further, in accordance with City Council Resolution No. R-95-479, Midwest has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Skelton moved that the public hearing be closed; the resolution of support for the Midwest application for Low-Income Housing Tax Credits adopted and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. H-05-03

A Resolution establishing support of the development of affordable housing in the City of Wichita, Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

VOICESTREAM

CITY OF WICHITA TAXABLE INDUSTRIAL REVENUE BONDS, SERIES IV, 2000, VOICESTREAM WIRELESS PROJECT AMENDMENT AND ASSIGNMENT OF LEASE AND SUBSTITUTION OF GUARANTOR. (DISTRICT I)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0365

In 2000 the City issued its Taxable Industrial Revenue Bonds, Series IV-A and IV-B, 2000, to finance facilities to be leased to VS Property, LLC, for the benefit of Voicestream Wireless Corporation (as sublessee). On October 23, 2001, City Council approved assignment of the Lease from VS Property, LLC to Net Fund I, Ltd. ("Net Fund"), the purchaser of the Series IV-A (senior) Bonds. Net Fund now desires to amend the Lease to allow a leasehold mortgage on the Project and concurrently seeks to assign the Lease to 25252 N. WOODLAWN VSTRM WICHITA KS, LLC, which will assume the obligation to guarantee payment of the Bonds.

Net Fund would like to assign all of its interest in the Lease to 2525 N. WOODLAWN VSTRM WICHITA KS, LLC, a Delaware limited liability company and release itself from any further liability under the Lease or Guaranty. 2525 N. WOODLAWN VSTRM WICHITA KS has agreed to assume all of the obligations of Net Fund pursuant to the Lease and Guaranty Agreement. In conjunction with this assignment and assumption, Net Fund will also transfer the Bonds it holds to the new Tenant. It will not change the position of the City with respect to the Lease or the Bonds, and Voicestream Wireless Corporation (now known as T-Mobile USA Incorporated) will remain the subtenant and operator of the facilities.

The proposed Assignment will involve no additional cost to the Trustee or to the City.

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The City Attorney's Office has reviewed the First Amendment to Lease and the Assignment of Lease and has approved the same.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the Ordinance authorizing the First Amendment to Lease and Assignment of Lease, and approving the Assumption of Guarantee by the New Tenant be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the execution and delivery of, and otherwise consenting to, a first amendment to lease agreement by and between the City of Wichita, Kansas, as issuer, Net Fund I, LLC and Commerce Bank, N.A., as Trustee; authorizing the execution and delivery of an acknowledgment, acceptance and consent to the assignment of a said lease from Net Fund I, LTD to 2525 N Woodlawn Vstrm Wichita Ks, LLC; and approving the form of assumption of guaranty by and between 2525 N Woodlawn Vstrm Wichita Ks, LLC and Commerce Bank, N.A., as Trustee, for the benefit of the owners of certain bonds, introduced and under the rules laid over.

BUILDING CODE

AMENDMENTS TO TITLE 18.05 OF THE CITY CODE-INTERNATIONAL BUILDING CODE.

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 05-0366

The City's current Building Code is a model building code called the International Building Code (IBC), 2000 Edition, and is codified in Title 18 of the City Code.

In the United States, nearly all jurisdictions with a building code use model building codes as the basis for their local building codes. Model code groups, including the International Code Council that produces the IBC, generally publish, revise and update the model codes on three-year cycles. Over the past 40 years, Wichita has reviewed, locally amended and adopted updated model building codes on a three-year or six-year cycle. This has helped assure that Wichita is using current codes, as well as current tested and certified installation practices, materials and products.

During 2004, a staff committee reviewed the 2003 edition of the IBC and determined that adoption of the entire document was not necessary at this time. However, the same committee proposed a number of updates to the current Building Code that utilized additions and clarifications found in the 2003 IBC, and that addressed a number of other issues or concerns that had been raised by designers, builders and other interested groups since adoption of the 2000 IBC in April 2002.

Overviews of proposed Building Code amendments were prepared and presented to local construction industry groups including the American Institute of Architects, the Construction Specification Institute, the Association of General Contractors, the Kansas System Builders Association and WABA. An overview of proposed amendments was also published in the Office of Central Inspection's CINCH newsletter in both the November/December and the March/April editions (mailed to over 2,300 contractors, architects and engineers).

The Board of Code Standards and Appeals (BCSA) reviewed and discussed the proposed amendments during its public meetings in December 2004, and January and April 2005. The BCSA has recommended that the City Council adopt the proposed amendments to the Wichita Building Code (Title 18.05).

There are no costs to the City associated with adoption of the ordinance. Also, there are no building permit fee changes included in the ordinance.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

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Motion--
--carried

Mayans moved that the first reading of the proposed amendments to Title 18.05 be approved. Motion carried 7 to 0.

ORDINANCE

An Ordinance creating Sections 18.05.095, 18.05.285, 18.05.295, 18.05.312, 18.05.319, 18.05.322, 18.05.345, 18.05.375, 18.05.396, 18.05.397, 18.05.398, 18.05.399, 18.05.412, 18.05.413, 18.05.465, 18.05.467, 18.05.475, 18.05.476, 18.05.477, 18.05.665, 18.05.667, 18.05.785 and 18.05.825; amending Sections 18.05.318, 18.05.395 and 18.05.690; and repealing the originals of said amended sections, all in the Code of the City of Wichita, Kansas, and pertaining to the Building Codes of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

TROLLEY ROUTES

IMPLEMENT DOWNTOWN TROLLEY LUNCH ROUTES. (DISTRICTS I, IV AND VI)

Jay Banasiak

General Manager Wichita Transit reviewed the item.

Agenda Report 05-0367

In 2004, Wichita Transit (WT), in partnership with the Wichita Downtown Development Corporation (WDDC), initiated a weekday lunch shuttle downtown and a Saturday museum shuttle. This service ran for an initial trial period of July 6 to September 4, 2004. This trial period was to assess the feasibility of establishing a more permanent trolley service in the downtown area. Operating costs were split, roughly, 80 percent WDDC and 20 percent WT. Transit's portion was paid through its annual federal maintenance grant.

Last year, downtown trolley service met all expectations anticipated -- 2,918 riders rode the service, and the popularity was very positive. More importantly, surveys and ridership counts gave valuable insight to a more successful service:

- § Shorter round trip times,
- § Expand to Delano District, and
- § Start the service later in the morning.

Since the initial trolley service was a success, WT sought federal funding to support this type of service. In early 2005, WT was awarded \$80,000 per year for a three-year period under the Congestion Mitigation Air Quality (CMAQ) grant program. This program requires a 20 percent match, or \$20,000, for a total grant project of \$100,000 per year. The WDDC is interested, once again, in participating in this endeavor, pending WDDC board approval later this month.

Based on the initial success and popularity of the downtown trolley service, the awarding of CMAQ grant funds, WDDC interest, lessons learned, and passenger survey remarks, the following trolley shuttle system for downtown is proposed:

§ Implement a four-hour, Monday thru Friday, downtown lunch route, with a \$.25 fare, from May 16 thru September 2, 2005, utilizing three trolleys to serve Delano, Old Town, and the area south of Douglas (expanded to three trolleys instead of two).

§ Implement a six-hour Saturday museum downtown route, with a \$.25 fare, from May 21 thru September 3, 2005 (same as last year).

§ Create an extensive marketing program as part of the CMAQ grant.

§ Analyze the 2005 downtown trolley services to ascertain future presence of trolleys in the downtown area for the two remaining years under CMAQ.

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The total cost of the proposed trolley service and marketing will be \$100,000, with \$80,000 being paid by the CMAQ grant and \$20,000 to be paid by the WDDC. No city Transit funds will be used for this project.

The Law Department would approve the CMAQ grant resolution and working agreement between WT and the WDDC as to form.

- Council Member Brewer Council Member Brewer asked that they try to include the businesses that are located further up and down Douglas. Stated that he has received a couple of complaints from some of the business owners such as The Spice Merchant.
- Council Member Gray Council Member Gray stated that he is glad to that this was successful last year and encouraged them to expand their routes to include the Delano Area. Stated that the City has made a substantial investment to the infrastructure and trying to preserve that history in that area and to only put a small amount of validity in the argument that WDDC saying that they want to keep the routes strictly downtown because they are paying for it.
- Council Member Skelton Council Member Skelton stated that according to the staff report you had 2,918 riders last year and asked what was the cost associated with this.
- Jay Banasiak Jay Banasiak explained that they met their budget for this. Stated that the cost per rider would probably be around \$10.00 per person. Stated that the normal bus service runs about \$3.00 a trip per person and para-transit runs about \$15.00 to \$16.00 per person. Stated that they hope with increasing their trolleys and their headways and trying to improve their service to include the Delano Area, that the interest will be even more than what it was last year and hopefully double or triple.
- Council Member Skelton Council Member Skelton stated to obtain the same approximate \$10.00 per ride cost, you would have to have about 10,000 people and if you do not make 10,000 riders your cost per trip will increase.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Mayans moved that the resolution be adopted; the necessary signatures for the CMAQ grant authorized and the trolley shuttle service as proposed, contingent on WDDC participation approved.
- Council Member Skelton Council Member Skelton stated that he is going to find it difficult to support this program at this time. Stated that he feels that the public return on tax dollars does not justify the expense.
- carried Motion carried 6 to 1, (Skelton-no).

RESOLUTION NO. 05-207

A Resolution in support of implementation of downtown trolley lunch routes. Mayans moved that the Resolution be adopted. Motion carried 6 to 1. (Skelton, no)

PLANNING AGENDA

- Motion--carried Mayans moved that the Planning consent items 35 through 41 be approved as presented. Motion carried 7 to 0.
- CON2005-00003** **CON2005-00003-CONDITIONAL USE FOR ANCILLARY PARKING ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL. GENERALLY LOCATED WEST OF HILLSIDE, ON THE SOUTHEAST CORNER OF 25TH STREET NORTH AND LORRAINE AVENUE. (DISTRICT I)**
- John Schlegel Planning Director reviewed the item.
- Agenda Report No. 05-0368

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MAPC Recommendations: Approved, subject to conditions, vote (9-2).

MAPD Staff Recommendations: Deny.

DAB I Recommendations: Denied, vote (8-0).

The applicant requests a Conditional Use to allow ancillary parking on Lots 1 & 2, Block L, Audrey Matlock Heights 1st Addition. The subject site's 0.34-acres are zoned "SF-5" Single-family Residential, are vacant and are located on the southeast corner of 25th Street North and Lorraine Avenue, one block west of Hillside Avenue. The applicant needs the ancillary parking for his existing business, a rental hall, located in the adjacent commercial strip building (built mid 1950s, Reserve D, except for the east 100-feet, Audrey Matlock Heights 1st Addition) located east of the subject site, on the south side of 25th Street North. Ancillary parking areas may be permitted in residential zoning districts through approval of a Conditional Use. Ancillary parking areas are subject to the Supplementary Use Regulations contained in Section III-D.6.p. of the Unified Zoning Code.

The subject site is four blocks north of Wichita State University and a block west of a large cemetery (Old Mission, zoned "B" Multi-family Residential), which runs from 21st Street North to 25th Street North. The subject site is located in a predominately single-family residential area (homes built early to mid 1950s on the west side of Hillside), which has six churches, an elementary school, a Union Mission shelter and thrift store and Grove Park (a city park) within one to four blocks of it. Commercial development is scattered along Hillside, north of 21st Street North, with the subject site being located adjacent to one of the few small commercial clusters between 21st Street North and 29th Street North. The subject site is located west of the applicant's business, A Touch of Class Banquet Hall, which is located in a small commercial strip building that also contains a barbershop, a beauty shop and another business. Just east of the commercial strip building, is a liquor store, which has Hillside frontage. All of these properties are zoned "LC" Limited Commercial. Properties north of the subject site, across 25th Street North, include a Costal convenience store located on Hillside and, west of the Costal, a vacant property. Both are zoned "LC". "SF-5" zoning and single-family residential development abut the subject site's south side and are adjacent to it on its west side, across Lorraine Avenue and also on its north side, across 25th Street North.

The site plan illustrates a proposed 37-stall parking lot with a 6-foot high fence on its west and south sides, where it is adjacent to and abutting "SF-5" zoning and existing single-family residential development. Access appears to be through a paved alley located between the subject site and the adjacent eastern site where the applicant's business is located, and then onto 25th Street North. No landscaping, lighting or other features are shown on the site plan. The site plan does not include the applicant's current business site, located on the adjacent east commercial strip. This lack of information makes it difficult to determine the current available parking for the commercial strip, which in turn could be used to analyze the request for additional ancillary parking.

DAB I considered this case at their March 7, 2005 meeting and recommended denial (8-0) of the Conditional Use. Three individuals and a representative of the Northeast Millair Neighborhood Association spoke in opposition to the requested Conditional Use at the meeting. The MAPC considered this case at their March 10, 2005 meeting and recommended approval (9-2) of the Conditional Use, with conditions, as a substitute motion to a motion to deny the application. Two individuals spoke in opposition to the requested Conditional Use at the meeting. Staff has received written protest against the requested Conditional Use that represent 36.07% of the protest area. When a 20% or greater protest exists, a Conditional Use cannot be approved except by at least a $\frac{3}{4}$ vote of all members of the governing body.

The recommended conditions of approval are:

1. The ancillary parking area shall be developed and operated in conformance with the requirements of Section III-D.6.p. of the Unified Zoning Code, except as noted in the conditions of approval.
2. A six-foot high screening fence shall be located on the south and west property lines entirely on the subject property and shall not extend beyond the north or east end of the paved surface of the parking lot.

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3. A five-foot landscaped buffer shall be provided along the south and west sides of the parking lot and shall be planted with evergreens, a minimum of five-feet in height, every 20-feet on the south side and west sides.
4. Screening and landscaping shall be per the landscape code for parking lots along the site's 25th Street North and east side.
5. The entrances to the parking lot shall be posted with signs not exceeding six square feet in area indicating that trespassing on the property is not permitted and that the parking lot is reserved for permitted parking only. Entrance onto the parking lot shall be restricted to the platted alley, along the east side of the subject site.
6. Outside pole lighting shall be no taller than 14-feet and directed onto the site and away from the residential development abutting the south side of the site and the residential development adjacent to the west and north sides of the site. No lighting shall located within 40-feet of the south property line.
7. A revised site plan addressing the conditions of approval shall be submitted for review and approval by the Planning Director or his designee prior to the issuance of a building permit but no later than 180 days after approval of the Conditional Use.
8. All landscaping as required by the Landscape Ordinance and the conditions of approval for the Conditional Use shall be installed within a year of final action by the governing body and maintained per a landscape plan approved by the Planning Director or his designee prior to the issuance of a building permit, but no later than 180 days after approval of the Conditional Use. The landscape plan shall specify the plant materials and method of irrigation in conformance with the requirements of the Landscape Ordinance.
9. If there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator may declare that the Conditional Use is null and void, with the concurrence of the Planning Director. In addition, the Zoning Administrator shall enforce the other remedies set forth in the Unified Zoning Code.
10. Six-foot solid screening shall be provided along the south property line of Reserve D, except for the east 100-feet, Audrey Matlock Heights 1st Addition and along its west side up to its intersection with the required solid screening (condition #2) along the south side of Lot 2, Block L, Audrey Matlock Heights 1st Addition.

Motion--carried

Brewer moved to deny the requested conditional use. Motion carried 7 to 0.

SUB2004-105

SUB2004-105-PLAT OF RIVERLAWN CHRISTIAN ADDITION, LOCATED SOUTH OF 45TH STREET NORTH AND WEST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 05-0369

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of one lot on 6.4 acres, is an unplatted site and is located within Wichita's city limits. This site is zoned SF-5, Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petition have been submitted for sewer and water sewer improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petition has been recorded with the Register of Deeds.

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Motion--
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-209

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90065 (south of 45th Street North, West of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-210

Resolution of findings of advisability and Resolution authorizing construction of Lateral 114, Sanitary Sewer #23, 468-83982 (south of 45th Street North, West of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

FAISSAL ADD.

SUB2004-156-PLAT OF FAISSAL ADDITION, LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH AND WEST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 05-0370

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of one lot on .32 acres, is located within Wichita's city limits. The site has been approved for a zone change (ZON 2003-73) from B, Multi-family Residential District to LC, Limited Commercial District.

Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the plat be approved; the necessary signatures authorized and the Ordinance placed on first reading. Motion carried 7 to 0.

SAVE-A-LOT ADD.

SUB2005-04-PLAT OF SAVE-A-LOT ADDITION, LOCATED ON THE NORTH SIDE OF 13TH STREET NORTH AND WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-0371

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of one lot on 1.44 acres, is a replat of the Hays and Bell Addition and a portion of Marsh's Addition. The Applicant proposes a zone change (ZON 2005-01) from TF-3, Two-family Residential District to LC, Limited Commercial District for the northern portion of the site. This plat also includes the vacation of an alley. This site is located within Wichita's city limits.

Petitions, 100 percent, and a Certificate of Petition have been submitted for water, storm water sewer and sanitary sewer improvements.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 05-211

Resolution of findings of advisability and Resolution authorizing construction of water Distribution System Number 448-90074 (west of Hillside, north of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-212

Resolution of findings of advisability and Resolution authorizing construction of Lateral G, Main O, Sanitary Sewer No. 12, 468-84003 (west of Hillside, north of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-213

Resolution of findings of advisability and Resolution authorizing approving Storm Water Sewer No. 616, 468-84004 (west of Hillside, north of 13th Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. introduced and under the rules laid over. (ZON 2005-01)

SHADY RIDGE

SUB2005-13-PLAT OF SHADY RIDGE SECOND ADDITION, LOCATED SOUTH OF CENTRAL AND EAST OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 05-0372

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of two lots on 1.49 acres, is a replat of a portion of the Shady Ridge Addition and located within Wichita's city limits. The site is subject to the Farmington Square Community Unit Plan (DP-59). A CUP Certificate has been submitted identifying the approved CUP and its special conditions for development on this property.

A Petition, 100 percent, and a Certificate of Petition have been submitted for water and sewer improvements. Since this site is within the noise impact area of Wichita Mid-Continent Airport, an Avigational Easement and Restrictive Covenant were submitted to assure that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed

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on subject property. An Access Easement through Lot 1 for the benefit of Lot 2 has also been submitted.

An off-site Public Utility Easement has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Notice of CUP Certificate, Certificate of Petition, Avigational Easement, Restrictive Covenant and Public Utility Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-214

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90073 (south of Central, East of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-215

Resolution of findings of advisability and Resolution authorizing construction of Lateral 508, Southwest Interceptor Sewer, 468-84002 (south of Central, East of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

DED2005-04

DED2005-04-DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED NORTH OF 53RD STREET NORTH AND ON THE EAST SIDE OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 05-0373

MAPC Recommendation: Accept the Dedication. (8-0)

This dedication is associated with a lot split case (SUB 2004-54). The Dedication is for complete access control, along Meridian, except for one opening on each lot (Lots 2 and 3).

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

DED2005-05

DED2005-05-DEDICATION OF A UTILITY EASEMENT AND DED 2005-06-DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED SOUTH OF 13TH STREET NORTH AND WEST OF MERIDIAN. (DISTRICT VI)

Agenda Report No. 05-0374

MAPC Recommendation: Accept the Dedications. (8-0)

These dedications are associated with a lot split case (SUB 2004-07). The Dedications are for additional street right-of-way for a future street and for construction and maintenance of public utilities.

The Dedications have been reviewed and approved by the Planning Commission.

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The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

AIRPORT AGENDA

Motion--carried

Mayans moved that the Airport consent items be approved as presented. Motion carried 7 to 0.

S.A. NO. 9

AIRPARTS COMPANY – S.A. NO. 9

Agenda Report No. 05-0375

Airparts is desirous of extending its current agreement for one additional year for the use of an office/warehouse facility located at 1991 Airport Road on Wichita Mid-Continent Airport. Airparts has occupied the space since January 1, 1996.

Airparts occupies 2,504 square feet of the subject building, which has a total area of approximately 12,135 square feet. Rockwell Collins occupies the remainder of the facility. An appraisal has been conducted by the Martens Companies to determine the fair market rental value of this facility.

Total annual rent will be \$10,641.96.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

S.A. NO. 4

ROCKWELL COLLINS, INC. – S.A. NO. 4.

Agenda Report No. 05-0376

Rockwell Collins is desirous of exercising its option to extend its current agreement for three additional years for use of an office/warehouse facility located at 1991 Airport Road on Wichita Mid-Continent Airport. Rockwell Collins has occupied the space since March 1, 1993.

The tenant occupies 9,629 square feet of the subject building, which has a total area of approximately 12,135 square feet. Airparts occupies the remainder of the facility. An appraisal has been conducted by the Martens Companies to determine the fair market rental value of the facility.

Total annual rent during the first year will be \$33,701.52. For the two remaining years, land rent will escalate at the rate of 5% each year for an annual rent of \$34,069.30 and \$34,457.23 respectively.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

BOARDING BRIDGES PASSENGER BOARDING BRIDGES, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0377

On August 19, 2003 the Wichita Airport Authority approved a contract with HNTB to conduct a study for the replacement of the old, jet passenger boarding bridges.

The study is completed and a contract has been developed for the design and bid of the passenger boarding bridges.

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The design contract is \$69,908 and is within the approved budget. The contract will be funded with federally authorized Passenger Facility Charges.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

MECHAN. SYSTEMS

MECHANICAL SYSTEMS IMPROVEMENTS, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0378

The 2005 Capital Improvements Program (CIP) provides for FAA Office Buildings and Tenant Improvements.

The total project will replace mechanical equipment in three facilities on Mid-Continent Airport.

The project is estimated to cost \$350,000 and will be funded with General Obligation bonds paid for with Airport Revenue. A contract with Professional Engineering Services has been prepared in the amount of \$37,750.

Motion--
--carried

Mayans moved that the project be approved; the resolution adopted; the capital budget approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. A 05-003

A Resolution declaring that a public necessity exists for and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

MARKETING

AIRPORT MARKETING.

Agenda Report No. 05-0379

It is the policy of the Wichita Airport Authority to fund marketing programs aimed at promoting the use of Wichita Mid-Continent Airport. The Wichita Airport Advisory Board recently voted in favor of now implementing an airport advertising campaign to promote Mid-Continent Airport for use by regional air travelers. The Advisory Board also acknowledged the importance of increased passenger travel because it results in enhanced air service, business expansion, increased tourism, and other economic benefits to the community.

On December 21, 2004 the City Council extended an advertising contract with Sullivan Higdon & Sink. SHS, working with staff, will plan and implement advertising strategies designed to promote ICT Airport as the choice for regional travelers. One major component to achieve this goal is to implement a strategic marketing plan extending throughout the catchment area.

This program will initiate new emphasis on the role of the airport as an "economic generator." This program will include different facets but with emphasis on a statewide media analysis/plan and development of an advertising media campaign. It will also include evaluating and using potentially other unique promotions aimed specifically at increasing ridership at Mid-Continent Airport.

The services from Sullivan Higdon & Sink will not exceed the \$600,000 budgeted in 2005 for marketing, planning and implementation of the airport campaign. SHS' actual professional services fee is included and will not exceed 15% of the total actual funds expended.

Motion--carried

Mayans moved that the expenditure of budgeted funds be approved. Motion carried 7 to 0.

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CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

- Council Member Skelton Council Member Skelton requested that the following people be appointed to DAB III: Bill Ward, John Kemp, Jim Gulick, Matt Foley, Charlotte Foster, Dewayne Kitchen, Judy Dillard, Joann Hartig, and Jesse Sheffield.
- Council Member Gray Council Member Gray stated that when someone is elected to the Council they have to immediately appoint a significant number of people to their boards. Stated that there is a lot of conflict and difficulty in making such a vast number of appointments in such a short period of time. Asked if there is any way to move this out to the July date where it coincides with all of the other board appointments.
- Gary Rebenstorf Gary Rebenstorf stated that the way the District Advisory Board ordinance is written is that when a Council Member's term of office expires, then the appointments for that DAB expire with that term of office with that Council Member. Stated that this is set up in the DAB ordinance and the Council can change that to set it at a different time.
- Motion--carried Mayans moved to approve the appointments. Motion carried 7 to 0.

TRAVEL EXPENSES

APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBERS BREWER AND MARTZ TO ATTEND NATIONAL LEAGUE OF CITIES COMMUNITY & ECONOMIC DEVELOPMENT AND HUMAN DEVELOPMENT STEERING COMMITTEE MEETINGS IN DENVER, CO, JUNE 16-18, 2005.

- Motion--carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

OFF AGENDA ITEM

TRAVEL EXPENSES

APPROVAL OF TRAVEL EXPENSES FOR THE MAYOR AND DELEGATION TO WICHITA'S SISTER CITY, CANCUN MEXICO ON JUNE 1-5, 2005 AND THE MAYOR TO ATTEND THE U.S. CONFERENCE OF MAYORS IN CHICAGO ON JUNE 10-13, 2005.

- Motion--carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

RECESS

- Motion-- Mayans moved that the City Council recess at 1:00 p.m. into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: Pending litigation; potential litigation; legal advice; personnel matters of non-elected personnel and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 2:00 p.m. and reconvene in the City Council Chambers of City Hall. Motion carried 7 to 0.
- carried

RECONVENE

- The Council reconvened in the Council Chambers at 2:05 p.m. Mayor Mayans announced that no action was taken.
- Motion--carried Mayans moved to close the Executive Session. Motion carried 5 to 0, (Brewer and Fearey absent).
- Motion--carried Mayans moved to close the Regular Meeting. Motion carried 5 to 0, (Brewer and Fearey absent).
- Adjournment The City Council meeting adjourned at 2:06 p.m.

Respectfully submitted,

Karen Sublett
City Clerk